

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NXP USA INC et al.,

Plaintiff (s),

V.

IMPINJ INC.,

Defendant (s).

CASE NO.  
2:20-cv-01503-RSM-MAT

## **ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT, AND EARLY SETTLEMENT**

## I. INITIAL SCHEDULING DATES

The Court sets the following dates for initial disclosure and submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: 11/12/2020

Initial Disclosures Pursuant to FRCP 26(a)(1): 11/25/2020

Combined Joint Status Report and Discovery  
Plan as Required by FRCP 26(f)  
and LCR 26(f): 12/2/2020

The deadlines above may be extended only by the Court. Any request for an extension should be made by email to Kadya Peter, Courtroom Deputy, at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov). The parties are directed to meet and confer before contacting the Court to request an extension.

If this case involves claims which are exempt from the requirements of FRCP 26(a) and 26(f), please notify Kadya Peter, Courtroom Deputy, by email at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

## II. JOINT STATUS REPORT & DISCOVERY PLAN

All counsel and any pro se parties are directed to confer and provide the Court with a combined Joint Status Report and Discovery Plan (the "Report") by December 2, 2020. This conference shall be by direct and personal communication, preferably a face-to-face meeting, but may be by telephonic conference. The Report will be used to determine if a FRCP 16 conference would be helpful and to set a schedule for the prompt completion of the case.

The Report must contain the following information by corresponding paragraph numbers:

1. A statement of the nature and complexity of the case.
2. A proposed deadline for the joining of additional parties.
3. The parties have the right to consent to assignment of this case to a full time

United States Magistrate Judge, pursuant to 28 U.S.C. 636(c) and Local Rule MJR 13, to conduct all proceedings. The Western District of Washington assigns a wide range of cases to Magistrate Judges. The Magistrate Judges of this district thus have significant experience in all types of civil matters filed in our court. Additional information about our district's Magistrate Judges can be found at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the parties' views and proposals on all items in FRCP 26(f)(3), including the following topics:

- (A) initial disclosures;
- (B) subjects, timing, and potential phasing of discovery;
- (C) electronically stored information;
- (D) privilege issues;
- (E) proposed limitations on discovery; and
- (F) the need for any discovery related orders.

1       5. The parties' views, proposals, and agreements, by corresponding paragraph  
2 letters (A, B, etc.), on all items set forth in LCR 26(f)(1), including the following topics:

3           (A) prompt case resolution;  
4           (B) alternative dispute resolution;  
5           (C) related cases;  
6           (D) discovery management;  
7           (E) anticipated discovery sought;  
8           (F) phasing motions;  
9           (G) preservation of discoverable information;  
10           (H) privilege issues;  
11           (I) Model Protocol for Discovery of ESI; and;  
12           (J) alternatives to Model Protocol.

13       6. The date by which discovery can be completed.

14       7. Whether the case should be bifurcated by trying the liability issues before  
15 the damages issues, or bifurcated in any other way.

16       8. Whether the pretrial statements and pretrial order called for by LCRs 16(e),  
17 (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake  
18 of economy.

19       9. Whether the parties intend to utilize the Individualized Trial Program set  
20 forth in LCR 39.2 or any ADR options set forth in LCR 39.1.

21       10. Any other suggestions for shortening or simplifying the case.

22       11. The date the case will be ready for trial. The Court expects that most civil  
23 cases will be ready for trial within a year after filing the Joint Status Report and  
24 Discovery Plan.

25       12. Whether the trial will be jury or non-jury.

26       13. The number of trial days required.

1 14. The names, addresses, and telephone numbers of all trial counsel.

2 15. The dates on which the trial counsel may have complications to be  
3 considered in setting a trial date.

4 16. If, on the due date of the Report, all defendant(s) or respondents(s) have not  
5 been served, counsel for the plaintiff shall advise the Court when service will be  
6 effected, why it was not made earlier, and shall provide a proposed schedule for the  
7 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

8 17. Whether any party wishes a pretrial FRCP 16 conference with the judge  
9 prior to the entry of any order pursuant to Rule 16 or setting of a schedule for this case.  
10 If yes, indicate whether a party wishes an in–person or telephonic conference.

11 18. List the date(s) that each and every nongovernmental corporate party filed  
12 its disclosure statement pursuant to FRCP 7.1 and LCR 7.1.

13 If the parties are unable to agree to any part of the Report, they may answer in  
14 separate paragraphs. No separate reports are to be filed. If the parties wish to have a  
15 status conference with the Court at any time during the pendency of this action, they  
16 should notify Kadya Peter, by email at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

### 17 **III. PLAINTIFF'S RESPONSIBILITY**

18 This Order is issued at the outset of the case, and a copy is sent by the clerk to  
19 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.  
20 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all  
21 parties who appear after this Order is filed. Such service shall be accomplished  
22 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)  
23 will be responsible for starting the communications needed to comply with this Order.

### 24 **IV. JUDGE SPECIFIC PROCEDURAL INFORMATION**

25 All counsel and unrepresented parties should review Judge Theiler's web  
26 page for procedural information applicable to cases before Judge Theiler. The

1 judges' web pages, in addition to the Local Rules, Electronic Filing Procedures for Civil  
2 and Criminal Cases, court forms, instruction sheets, and General Orders, can be  
3 found on the Court's website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

4 **V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

5 If settlement is achieved, counsel shall immediately notify Kadya Peter,  
6 Courtroom Deputy, at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

7 The parties are responsible for complying with the terms of this Order. The Court  
8 may impose sanctions on any party who fails to comply fully with this Order.

9 DATED: The 21st of October 2020.

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12 MARY ALICE THEILER  
13 United States Magistrate Judge  
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